

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

**ANN FINCH, Individually, and as  
Executrix of the Estate of  
Franklin Delenor Finch,**

**Plaintiff,**

**vs.**

**BASF CATALYSTS LLC,  
Individually and as successor-in-  
interest to EASTERN MAGNESIA  
TALC CO., *et al.*,**

**Defendants.**

**C/A No. 1:16-cv-01077**

**COVIL CORPORATION'S  
RULE 26(a)(3)  
PRETRIAL DISCLOSURES**

Defendant, Covil Corporation ("Covil"), by and through counsel, makes the following pre-trial disclosures pursuant to Rule 26(a)(3) of the Federal Rules of Civil Procedure:

A. Witness List

Covil may call the following witnesses to testify at the trial of the above-captioned case, either by deposition or by giving live testimony:

1. Palmer Covil - Deceased  
by deposition
2. James Covil  
815 East Butler Road  
Apartment 113  
Greenville, South Carolina 29607  
either live or by deposition.
3. Robert Glenn, MPH, CIH  
Glenn Consulting Group  
2784 Little Creek Road  
Seabrook Island, South Carolina 29455

4. Plaintiff, Franklin D. Finch - Deceased  
by deposition
5. Bryan D. Hardin, PhD, ATS,  
Veritox  
33 Office Park Road, Ste. 4A  
PMB 344  
Hilton Head Island, South Carolina 29928
6. Any witnesses designated by any party to this case, whether or not  
the party remains in the case for trial.
7. Representatives of any company who manufactured, supplied,  
distributed, or sold any products or equipment from which Plaintiff  
alleges exposure to asbestos.
8. Any witness necessary to testify about and/or to authenticate  
documents of any job site or premises at which Plaintiff may have  
been exposed to asbestos.
9. Records custodians of the Plaintiff's employers.
10. Any witness necessary for rebuttal.

Covil reserves the right to amend and/or supplement this witness identification up to and during the time of trial. Covil further reserves the right to present witnesses by deposition who were identified or deposed during discovery who are unavailable for trial. Covil reserves the right to object to any testimony, whether live or by deposition, by any witness addressed by this notice of identification.

B. Witnesses to be Presented by Deposition

Covil may call the following witnesses to testify at the trial of the above-captioned case through deposition testimony:

1. Tim Bormann as Rule 30(b)(6) designee for McNeil (Ohio) through  
deposition taken in the above-captioned case on January 19, 2018:

2. John McCormick as Rule 30(b)(6) designee for McNeil & NRM, Inc. through deposition taken in the above-captioned case on December 13, 2017;
3. Tom Hammond as Rule 30(b)(6) designee for McNeil & NRM, Inc. through deposition taken in the above-captioned case on December 14, 2017;
4. Bernard Lesneski as Rule 30(b)(6) designee for McNeil-Akron, Inc. through deposition taken in *In Re: Tire Worker Asbestos Litigation*, Case No. 87-652-a in the United States District Court for the Southern District of Iowa on March 19, 1991;
5. Palmer Covil through deposition taken in *Evelyn White, et al. v. Combustion Engineering Company, Inc., et al.*, C/A No. 77-1369, C/A No. 77-1384 in the United States District Court for the District of South Carolina on July 13-15, 1977;
6. Franklin Finch through depositions taken in the above-captioned case on November 29, 2016.

Covil reserves the right to amend and/or supplement these designations up to and during the time of trial. Covil reserves the right to introduce deposition testimony designated by any party to this case, whether or not the party remains in the case for trial.

#### C. Exhibit List

Covil identifies the following exhibits that it may offer at a trial of this matter:

Ex. #	Description
1	Letter dated November 13, 1972, from Lewis W. Saxby, Vice President of Owens Corning Fiberglas, to J.S. Royer with N.I.C.A. (Docket Entry 317-1)
2	McNeil Press Shipments (Ex. 14 to John McCormick Deposition)
3	Bills of Material for Bag-O-Matic Press (Ex. 26 to John McCormick Deposition)
4	Presses Shipped by McNeil (Ohio) to Firestone, Wilson NC (Ex. 111 to John McCormick Deposition)

<b>Ex. #</b>	<b>Description</b>
<b>5</b>	June 7, 1976 Specifications (McNEIL_HX_006615-006619) (Ex. 51 to Tim Bormann Deposition)
<b>6</b>	August 6, 1964 Specifications (McNEIL_HX_005977-005981) (Ex. 52 to Tim Bormann Deposition)
<b>7</b>	August 6, 1964 Specifications (McNEIL_HX_005971-005975) (Ex. 53 to Tim Bormann Deposition)
<b>8</b>	Factory Order 57634 (Ex. 58 to Tom Hammond Deposition)
<b>9</b>	June 16, 1989 List of Components Potentially Used in McNeil equipment (Ex. 62 to John McCormick Deposition)
<b>10</b>	McNeil (Ohio) Corporation's Responses to Plaintiff's Requests for Admission (Sept. 14, 2017) (Ex. 69 to Tim Bormann Deposition)
<b>11</b>	Deposition Transcript of Bernard F. Lesneski (March 19, 1991) (MCNEIL-FINCH-000160-000198)
<b>12</b>	Firestone Ledger of Purchase Orders for Vendors (Docket Entry 277-6)
<b>13</b>	Firestone Purchase Orders and Invoices for Steam Piping Installation (Docket Entry 277-8)
<b>14</b>	Deposition Transcript of Covil Corporation's 30(b)(6) Representative (James Covil, March 27, 2018)
<b>15</b>	Deposition of Charles Ay (March 27, 2018)
<b>16</b>	Deposition of Kenneth Garza (March 30, 2018)
<b>17</b>	Bryan D. Hardin, Ph. D., Expert Report (January 10, 2018)
<b>18</b>	Deposition Transcript of Palmer Covil (July 13-15, 1977)
<b>19</b>	Discovery Deposition Transcript of Franklin Finch (November 29, 2016)
<b>20</b>	Trial Deposition Transcript of Franklin Finch (November 29, 2016)
<b>21</b>	Deposition Transcript of Joseph N. Stanton (March 6, 2018)
<b>22</b>	Deposition Transcript of Dennis N. Hemby (March 7, 2018)
<b>23</b>	Deposition Transcript of Dick Singleton (March 8, 2018)
<b>24</b>	Deposition Transcript of Tim Bormann (January 19, 2018)
<b>25</b>	Firestone Bills of Material Accompanying Tire Presses (Docket Entry 277-7)
<b>26</b>	Firestone Purchase Order #303-4070 (FINCH 000432-000501)
<b>27</b>	Firestone Purchase Order #303-4081 (FINCH 000512-000691)
<b>28</b>	McNeil Akron, Inc. Instruction Manual (F.O. 57431) (FINCH 002396-002595)
<b>29</b>	McNeil Corporation Factory Order 57431 (McNEIL_NRM_FINCH_001390-001467)

<b>Ex. #</b>	<b>Description</b>
<b>30</b>	Feb. 18, 1974 McNeil Akron Material Cost Report (F.O. 57431) (McNEIL_HX_001207-001256)
<b>31</b>	Oct. 7, 1974 McNeil Akron Material Cost Report (F.O. 57431) (McNEIL_HX_001258-001307)
<b>32</b>	Dec. 16, 1974 McNeil Akron Material Cost Report (F.O. 57431) (McNEIL_HX_001308-001355)
<b>33</b>	McNeil Akron, Inc. Instruction Manual (F.O. 57432) (FINCH 002215-002395)
<b>34</b>	McNeil Corporation Factory Order 57432 (McNEIL_NRM_FINCH_001538-001621)
<b>35</b>	Sept. 25, 1975 McNeil Akron Material Cost Report (F.O. 57432) (McNEIL_HX_001496-001542)
<b>36</b>	Jan. 28, 1976 McNeil Akron Material Cost Report (F.O. 57432) (McNEIL_HX_001545-001558)
<b>37</b>	May 18, 1976 McNeil Akron Material Cost Report (F.O. 57432) (McNEIL_HX_001559-001609)
<b>38</b>	May 25, 1976 McNeil Akron Material Cost Report (F.O. 57432) (McNEIL_HX_001610)
<b>39</b>	Firestone-Wilson Internal & Platen Piping Layout (MCNEIL-FINCH-001492)
<b>40</b>	<p>Portions of Bridgestone Americas Tire Operations, LLC's verified responses to interrogatories and request for production of documents (dated October 27, 2016), including documents produced from Franklin Finch's workers' compensation claim (I.C. No. 16-726791)</p> <ul style="list-style-type: none"> <li>- Feb. 20, 1984 Firestone Interoffice Correspondence from Robert Hofer to R. B. Tucker</li> <li>- Mar. 21, 1984 correspondence from Robert Hofer to Howard Lorton</li> <li>- Apr. 2, 1984 correspondence from Howard Lorton to Robert Hofer</li> <li>- April 5, 1984 Firestone Interoffice Correspondence from R.D. Hofer to R.B. Tucker</li> </ul> <p>These documents were produced by Plaintiff in this case on or about Mar. 9, 2018</p>
<b>41</b>	Exhibits to Deposition of Palmer Covil (July 13-15, 1977)
<b>42</b>	Documents listed or identified on the exhibit list of any other party, whether settled or unsettled at the time of trial

<b>Ex. #</b>	<b>Description</b>
<b>43</b>	Any medical record of Franklin Finch, including, but not limited to, records, reports (generated in review or evaluation of Franklin Finch), chest x-rays, pathological materials, CT scans, other diagnostic films, and other records, letters, written materials or reports pertaining to the medical and health history and condition of Franklin Finch
<b>44</b>	Any expert report or affidavit served on Plaintiff's counsel by any defendant, as well as reports and studies relied upon by the experts
<b>45</b>	Any exhibit designated or listed by Plaintiff. In listing these exhibits, Covil does not admit the relevance or admissibility of any of said exhibits
<b>46</b>	Plaintiff's answers and responses to any discovery requests served in this case, including any documents produced in response to any of the Defendants' discovery requests
<b>47</b>	Answers to Interrogatories, including attachments and exhibits thereto, of co-defendants, settled defendants, bankrupt parties, Article 16 companies, and/or other entities who may have caused or contributed to Franklin Finch's alleged disease
<b>48</b>	Invoices, sales records and other documents identifying the manufacturer or distributor of products and/or equipment at Franklin Finch's job sites, as well as catalogues and brochures and information as to those products
<b>49</b>	Franklin Finch's employment records and documents produced by Franklin Finch's former employers or alleged employers
<b>50</b>	Franklin Finch's tax records
<b>51</b>	Franklin Finch's Social Security Itemized Statement of Earnings
<b>52</b>	Any diagram, photograph, brochure, log, construction plan, blueprint, drawing and/or depiction of buildings and job sites at which Franklin Finch allegedly worked
<b>53</b>	Any document related to any abatement program or removal of asbestos conducted on buildings and/or job sites at which Franklin Finch allegedly worked
<b>54</b>	Pleadings and Motions filed in this action.
<b>55</b>	Any settlement agreement and/or order of dismissal of defendant(s) that have either settled with plaintiff or decedent or who have been dismissed
<b>56</b>	Any document produced by any party or expert that were reviewed, referenced or otherwise used by any expert designated in this case

<b>Ex. #</b>	<b>Description</b>
<b>57</b>	Any photograph or other document identified in the expert witness disclosures and/or deposition testimony
<b>58</b>	Any deposition transcript taken or produced in this case
<b>59</b>	Any deposition exhibit from a deposition taken or produced in this case
<b>60</b>	All documents produced by Plaintiff to any Defendant
<b>61</b>	Prior depositions and trial testimony of Plaintiff's experts, including exhibits
<b>62</b>	All documents produced by third-parties to Plaintiff or any Defendant in this case
<b>63</b>	All documents associated with claims filed by or on behalf of Franklin Finch against any asbestos bankruptcy or settlement trusts or any other trust or fund established for asbestos claims
<b>64</b>	Any and all exhibits listed by other parties to this action (whether they remain a party at the time of trial or not) or otherwise identified during the proceedings of this case
<b>65</b>	Documents or exhibits necessary to authenticate other documents
<b>66</b>	Documents or exhibits necessary for impeachment or rebuttal
<b>67</b>	Discovery responses served and documents produced by other defendants

Covil reserves the right to amend and/or supplement this exhibit list up to and during the time of trial.

Covil reserves the right to utilize at the time of trial any and all prior transcripts from any of Plaintiff's expert witnesses or Defendants' experts designated in this case.

Covil reserves the right to use articles and/or documents during the course of the presentation of expert witnesses at trial to the extent that reference is made to such documents and articles.

Covil reserves the right to use demonstrative exhibits which are not required to be identified at this time.

Covil reserves the right to identify additional exhibits in the event the Court subsequently deems admissible any documents or evidence Covil contends are inadmissible.

Covil reserves the right to add demonstrative aids that may supplement testimony, assist the jury in understanding testimony, or explain events or circumstances relevant to the case

This the 4<sup>th</sup> day of September, 2018.

WALL TEMPLETON & HALDRUP, P.A.

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*Attorneys for Defendant Covil Corporation*



### **CERTIFICATE OF SERVICE**

The undersigned attorney hereby certifies that he electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the registered participants as identified on the Notice of Electronic Filing (NEF).

This the 4<sup>th</sup> day of September, 2018.

WALL TEMPLETON & HALDRUP, P.A.

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